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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,474	01/12/2001	Philipp H. Schmid	M61.12-0321	1733

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT PAPER NUMBER

2626

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,474

Applicant(s)

SCHMID ET AL.

Examiner

Michael N. Opsasnick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14 and 16-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8,10-14,16-18,20,22-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Brown et al (6587822) in view of Ladd et al (6470317) in view of Parks (6038573) in further view of Sakata (6085190).

As per claims 1,13,30, Brown et al (6587822) teaches a speech recognition interface for a speech recognition engine (as speech recognition interface for web based applications – abstract) comprising:

“a compiler.....markup language” as using compiled grammar (col. 3 lines 1-10) in a HTML environment (col. 13 lines 43-51);

“a grammar engine.....recognition engine” as constructing a dialog system (col. 14 lines 17-21).

Within the quoted claim elements above in claims 1,13, and 30, Brown et al (6587822) does not explicitly teach the plurality of markup language elements containing

start and end tags, however, Ladd et al (6470317) teaches the use of start and end tags in a markup language setup applied to the grammars (col. 16 lines 29-40). Therefore, it would have been obvious to one of ordinary skill in the art of grammar constructions at the time the invention was made to modify the grammar constructions of Brown et al (6587822) with start and end tags because it would allow the program to continue based on the user's response, which would enable faster program execution. (Ladd et al (6470317), col. 17 lines 20-34).

Although the combination of Brown et al (6587822) in view of Ladd et al (6470317) teaches start and end tags as noted above, and subtag structures with the grammar (Brown et al (6587822), col. 13 line 25 – col. 14 line 64), the combination of Brown et al (6587822) in view of Ladd et al (6470317) does not teach delimiting the grammar structure via rule tags, and namely, name attribute based rule tags. However, Parks (6038573) teaches name attribute based rule tags (col. 7 lines 9-25) used to delimit/mark the grammar (col. 17 lines 4-14). Therefore, it would have been obvious to one of ordinary skill in the art of delimited grammar structures to modify the combination of Brown et al (6587822) in view of Ladd et al (6470317) with delimited grammar structure based on name attributable rule tags because it would advantageously allow for the linking of information, using the tags, especially for document sharing (col. 3 lines 8-27).

The combination of Brown et al (6587822) in view of Ladd et al (6470317) in view of Parks (6038573) does not teach the name attribute to be set within the rule tag, however, Sakata (6085190) teaches a tag structure with a name and attribute (col. 4 lines

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62-65). Therefore, it would have been obvious to one of ordinary skill in the art of grammar structures to define a name attribute with the rule tag because it would advantageously allow for the comparison of documents with similar names (Sakata (6085190), col. 5 lines 5-20).

As per claim 2, the combination of Brown et al (6587822) in view of Ladd et al (6470317) in view of Parks (6038573) in further view of Sakata (6085190) teaches markup language grammar as an extensible markup language (Brown et al (6587822), col. 3 lines 40-52).

As per claim 3, the combination of Brown et al (6587822) in view of Ladd et al (6470317) in view of Parks (6038573) in further view of Sakata (6085190) teaches context free grammar (Brown et al (6587822), Col. 12 lines 33-39).

As per claims 4,22,27,29,32, the combination of Brown et al (6587822) in view of Ladd et al (6470317) in view of Parks (6038573) in further view of Sakata (6085190) teaches switch able grammar tags (Brown et al (6587822), col. 13 lines 53-62; col. 14 lines 44-50).

As per claims 5,6,14,16,23,28,31, the combination of Brown et al (6587822) in view of Ladd et al (6470317) in view of Parks (6038573) in further view of Sakata

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(6085190) teaches dictation tags to switch grammars, during recognition of phrases (Brown et al (6587822)), between email and voice –col. 14 lines 30-50).

As per claims 7,8,18,25,24,29,33-40 the combination of Brown et al (6587822) in view of Ladd et al (6470317) in view of Parks (6038573) in further view of Sakata (6085190) teaches text buffer tags for sub-sequence of words (as using a semantic parser to recognize key phrases and the interpreting the phrase -- Brown et al (6587822), col. 13 lines 18-36).

As per claims 10-12,17,41-42 the combination of Brown et al (6587822) in view of Ladd et al (6470317) in view of Parks (6038573) in further view of Sakata (6085190) teaches the use of rule tags/script tags to limit the grammar structure to be used by the speech recognition engine (as sub-tags structures for word recognition → Brown et al (6587822), col. 13 line 25 – col. 14 line 64).

3. Claims 19,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Brown et al (6587822) in view of Ladd et al (6470317) in view of Parks (6038573) in further view of Sakata (6085190) in further view of Martin (5642519).

As per claims 19,21, the combination of Brown et al (6587822) in view of Ladd et al (6470317) in view of Parks (6038573) in further view of Sakata (6085190) teaches the claim scope of depended upon claims 13 and 17, as noted above, however, the combination does not

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explicitly teach semantic based selections via rule tags. Martin (5642519) teaches semantics determined by rule tags (col. 17 lines 52-65, col. 15 lines 33-50, col. 18 lines 10-20). Therefore, it would have been obvious to one of ordinary skill in the art of speech grammars for recognition to modify the teachings of the combination of Brown et al (6587822) in view of Ladd et al (6470317) with p.o.s., dictation tags, and sequence of words based tags because it would improve recognition rates with distinct languages (Martin (5642519), col. 3 lines 29-36).

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Examiner notes that the Sakata reference has been introduced to address the limitations of the name attribute within the rule.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
5/10/06


Michael N. Opsasnick
Examiner
Art Unit 2626